

REMARKS

Claims 1-20 are pending in the present application. Reconsideration in view of the following remarks is respectfully requested.

As to the Merits:

As to the merits of this case, the Examiner set forth the following rejection:

Claims 1-20 stand rejected under 35 U.S.C. §102(e) as being anticipated by Bannai (USP 6,587,226).

This rejection is respectfully traversed.

Independent claim 1 calls for *an instant message generating unit which generates an instant message from the prescribed information; and a transmission unit which transmits the generated instant message to a client that can use instant message service*. Independent claims 7 and 13 include similar features.

With regard to the instant message generating unit feature of claim 1, the Examiner asserts on page 3 of the Action that the Bannai reference discloses an instant message generating unit (PC 12 of fig 2), display instant message [i.e., priority data] which generates an instant message from the prescribed information received from facsimile device urgent or important

facsimile received (PC 12 of fig 2, display instant message [i.e., priority data, or urgent or important data, see fig 7]).

However, while the Bannai reference may disclose, as illustrated in Fig. 7, that a message regarding "an urgent (important) facsimile is received" is displayed by a pop up window in the display device of the PC 12, it is respectfully submitted that the generation of this display message by the PC 12 fails to teach *an instant message generating unit which generates an instant message from the prescribed information*, as called for in claim 1.

For example, as discussed on pages 5 and 6 of the present specification, an instant message server 14 ("IM server 14") is a server for offering instant message service ("IM service"). For example, the IM service includes service for offering information indicating whether or not a user of the IM service ("IM user") can transmit and receive a message (hereinafter referred to as the "presence service"), and service for communicating a message between the IM users (hereinafter referred to as the "message service"). The "instant message" can be a generic name of the presence service and the message service, or it can indicate one of the presence service or the message service. In short, the instant message is the information transmitted in the IM service.

In view of the above noted disclosure provided in the present specification, it is respectfully submitted that the PC 12 of Bannai fails to constitute an instant message generating

unit, since the PC 12 merely generates a message for display and fails to generate an instant message that can be transmitted to a user in an instant message service.

Further, while the Examiner is entitled to the broadest readable claim interpretation during prosecution, it is submitted that the Examiner's interpretation that the PC 12 meets the instant message generating unit feature of claim 1 since it generates a display message is inconsistent with the disclosure set forth in the present specification regarding instant message service. Accordingly, it is respectfully submitted that the Examiner's claim interpretation is improper, since it is inconsistent with the disclosure set forth in the present specification.

Moreover, it is submitted that the message generated by the PC 12 regarding receiving an urgent facsimile also fails to constitute an instant message, as defined in the present specification.

In addition, with regard to feature of claim 1 regarding *a transmitting unit which transmits the generated instant message to a client that can use instant message service*, the Examiner asserts that the Bannai reference discloses, "a transmission unit which transmits the generated instant message to a client that can use instant message service (facsimile unit of fig 2), transmit message to client PC 12 via NCU 10 public line, using high priority service, (i.e., prescribed information, col. 3, lines 45-55+)."

However, it is respectfully submitted that the Examiner is clearly mischaracterizing the features of the Bannai reference, since once the message of an urgent facsimile is received and displayed on the PC 12, the Bannai reference fails to disclose that such message is transmitted, since the PC 12 is the destination user for the displayed information. Moreover, it is submitted that the Examiner's characterization that the facsimile unit of Fig. 2 transmit messages to the PC 12 via the NCU 10 public line, using high priority service, is a clear mischaracterization of the Bannai reference, since as shown in Fig. 1 of the Bannai reference, the PC 12 is connected to the facsimile device via the PC interface 11, and not through the NCU 10 via the public line as suggest by the Examiner.

In view of the above, it is submitted that Bannai fails to anticipate claim 1, since such reference fails to disclose or fairly suggest the features of claim 1 regarding *an instant message generating unit which generates an instant message from the prescribed information; and a transmission unit which transmits the generated instant message to a client that can use instant message service.*

In view of the above remarks, Applicants submit that the claims are in condition for allowance. Applicants request such action at an early date.

Application No.: 10/806,243
Art Unit: 2625

Request for Reconsideration
Attorney Docket No.: 042048

If the Examiner believes that this application is not now in condition for allowance, the Examiner is requested to contact Applicants' undersigned attorney to arrange for an interview to expedite the disposition of this case.

If this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,

WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP

A handwritten signature in black ink, appearing to read 'TEB', is positioned above the printed name of the attorney.

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